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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,577	01/15/2004	Norman DeCost	06780050AA	4545

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EXAMINER	
NGUYEN, TU X	

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/757,577	DECOST ET AL.	
	Examiner	Art Unit	
	Tu X. Nguyen	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8-17,19-25,27-29,31-34,38-47 and 49-63* is/are pending in the application.

4a) Of the above claim(s) *6,7,18,30,35-37 and 48* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-17,19-24,27-29,31-34,38-47 and 49-63* is/are rejected.

7)☒ Claim(s) *25* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 60/440,323.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/15/04, 7/14/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 12/13/05 have been fully considered but they are not persuasive, and the rejection is in view of previous ground of rejections.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 8, 10-17, 19-23, 27, 31-33, 38-40, 44-45, 47 and 48-63, are rejected under 35 U.S.C. 102(b) as being anticipated by Geiger et al. (US Pub. 2001/0028301).

Regarding claim 1, Geiger et al. disclose a device (see 12, fig.5) for displaying information in a retail environment (see par. 003, 015), comprising:

a passive, mobile display unit having a display screen that displays the information without user interaction (see par.008, "LCD" reads on "passive display", "automatically" reads on "without user interaction"),

a receiver (see 68, fig.5) that receives downloaded information and a processor for processing and storing the downloaded information and providing control to the passive, mobile display unit to display the information on the display screen (see par.008, 054).

Regarding claims 21 and 38, Geiger et al. disclose a passive display for a retail environment (see par.003, 015) system, comprising: a computer (see par.075) that downloads and stores information; a transceiver (see 102, fig.14) that downloads and stores the information received from the computer; and a passive, mobile display unit which receives the information stored in the transceiver, at any location within the retail environment, and displays the information on a display screen without user interaction (see par.008, 054).

Regarding claims 39 and 45, Geiger et al. disclose a passive display for a retail environment (see par.003, 015) system, comprising: a computer (see par.075) that downloads and stores information; a transceiver (see 102, fig.14) that downloads and stores the information received from the computer; and a passive, mobile display unit which receives the information stored in the transceiver, at any location within the retail environment, and automatically displaying the information on a display screen of the at least one passive display unit (see par.008, 054).

Regarding claim 2, Geiger et al. disclose the display screen comprises one of a single line, multiple line or graphic display (see par.008).

Regarding claim 3, Geiger et al. disclose the processor comprises memory for storing at least the information (see par.0054).

Regarding claim 4, Geiger et al. disclose the receiver includes at least one of an infrared data port (see par.008), a radio frequency (RF) port and a cellular port to receive the downloaded information.

Regarding claims 8 and 33, Geiger et al. disclose one of a motion sensor and a timer configured to activate said display screen (see par.0058).

Regarding claims 10 and 31, Geiger et al. disclose an anti-theft device (see par.051, 070).

Regarding claims 11-12, Geiger et al. disclose the anti-theft device comprises a global positioning system or RF triangulation (see par.072) system configured to determine location.

Regarding claims 13 and 32, Geiger et al. disclose the display screen is one of a plasma display, an organic light emitting diode (LED) display and a LCD display (see par.042).

Regarding claim 14, Geiger et al. disclose the receiver is one of an infrared or radio frequency (RF) receiver (see par.010).

Regarding claim 15, Geiger et al. disclose the RF receiver communicates at an effective data rate of about 5,000 to 10,000 bits per second (see par.049) and is sensitive to establish an error-free transmission at a distance of at least 300 yards.

Regarding claim 16, Geiger et al. disclose a power module to power said display screen, processor and receiver (see 40, 62, 58, fig.5).

Regarding claim 17, Geiger et al. disclose said power module includes a sleep command to conserve energy and battery life (see par.042).

Regarding claim 19, Geiger et al. disclose the passive display unit is void of user inputs (see par.008).

Regarding claim 20, Geiger et al. disclose said passive display unit is not activated via a trigger signal (see par.043).

Regarding claim 22, Geiger et al. disclose the passive, mobile display unit is programmed by the transceiver independent of any location of the passive, mobile display (see par.079-086).

Regarding claim 23, Geiger et al. disclose the transceiver is one of a mobile and a fixed transceiver (see 68, 64, 65, fig.5).

Regarding claim 27, Geiger et al. disclose said processing unit is pre-programmed to receive, load and change to alternate operational software on command (see par.079-086).

Regarding claims 44 and 47, Geiger et al. disclose the downloaded information may be downloaded from wireless (see par.0010).

Regarding claims 49, 52 and 55, Geiger et al. disclose the display unit is configured to display the information as transitioning text regardless of the location of the device within the retail environment (see fig.6-10).

Regarding claims 50, 53 and 56, Geiger et al. disclose the display unit is configured to randomly display regardless of the location of the device within the retail environment (see par.059).

Regarding claims 51, 54 and 57, Geiger et al. disclose does not include a transmitter (see 68, fig.5).

Regarding claims 58, 61 and 55, Geiger et al. disclose automatically display unit is configured to display the information as transitioning text regardless of the location of the device within the retail environment (see par.008, fig.6-10).

Regarding claims 59 and 62, Geiger et al. disclose automatically display unit is configured to randomly display regardless of the location of the device within the retail environment (see par.059).

Regarding claims 60 and 63, Geiger et al. disclose automatically display the information as transitioning text (see 68, fig.5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 9, 34 and 43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al.

Regarding claims 9, 34 and 43, Geiger et al. fail to disclose wherein after a successful download is received the passive display unit ignores any erroneous data input and begins displaying the information on the display screen. The Examiner takes an Official notice that the concept the display device ignores any erroneous data input and begins displaying the information on the display screen is well known in the art. It would have been obvious the device display information which appropriate and filter out any errors that unreadable.

7. Claims 5, 41-42 and 46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al. in view of Brockman et al. (US Pub. 2004/0117196).

Regarding claims 5, 41-42 and 46, Geiger et al. fail to disclose during the download of information, the processor ceases display operations and activates the display screen when the download is completed.

Brockman et al. disclose during the download of information, the processor ceases display operations and activates the display screen when the download is completed (see par.0176). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Geiger et al. with the above teaching of Brockman et al. in order to provide status information after or during download information.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al. in view of Byrns et al. (US Patent 6,373,884).

Regarding claim 26, Geiger et al. fail to disclose data rate of 115,200 bits per second.

Byrnes discloses data rate of 115,200 bits per second (see col.5 lines 46-47). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Geiger et al. with the above teaching of Byrns in order to provide high data rate transmission.

9. Claims 24 and 28-29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger et al. in view of Simionescu et al. (US Patent 5,963,650).

Regarding claims 24 and 28-29, Geiger et al. disclose the mobile transceiver includes: an internal receiver that receives the information from the computer (see 68, 58 fig.5); an infrared transmitter for transmitting the information to the passive display unit (see 68, fig.5); a processing unit controls functions of the internal paging receiver and the infrared transmitter (see 58, fig.5).

Geiger et al. fail to disclose a protected port connector to allow initial parameters to be entered, and allow various message buffers to be downloaded into the mobile transceiver.

Simionescu et al. disclose a protected port connector to allow initial parameters to be entered, and allow various message buffers to be downloaded into the mobile transceiver (see col.7 lines 56-59). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Geiger et al. with the above teaching of Simionescu in order to provide wired interface for software setting of the mobile device.

Allowable Subject Matter

10. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 25, the prior arts fail to disclose "the internal receiver is field programmable and is capable of receiving a minimum of four (4) cap codes", as cited in the claim.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

TN

December 22, 2005

EDAN ORGAD
PATENT EXAMINER/TELECOMM.
/E.O./ 12/22/05